

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**JOSEPH D. MONIZ,**

**Defendant.**

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**8:16CR182**

**FINDINGS AND RECOMMENDATION  
AND  
ORDER**

At the conclusion of the hearing on September 6, 2016, on the defendant's motion to suppress, I stated my conclusions on the record and my decision to recommend that the motion to suppress be granted in part as to statements made by Moniz to Correctional Officer Simmons as set forth in Exhibit 102 and as to statements made by Moniz to Agent Howard before being advised of his rights as set forth in Exhibit 102, and denied in part as to statements made by Moniz to Correctional Officer Simmons at Moniz's cell and prior to Exhibit 101 and denied as to statements made by Moniz to Agent Howard prior to being advised of Mirands rights. In accordance with that announcement,

**IT IS RECOMMENDED** to the Honorable Joseph F. Bataillon, Senior United States District Judge, that the motion to suppress (Filing No. 25), be granted in part and denied in part as set forth above and in the oral Findings and Recommendation.

**FURTHER, IT IS ORDERED:**

1. The clerk shall cause a transcript of the hearing to be prepared and filed.
2. Pursuant to NECrimR 59.2 any objection to this Findings and Recommendations shall be filed with the Clerk of the Court within fourteen (14) days after being served with a copy of this Findings and Recommendations. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

Dated this 6th day of September, 2016.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge